IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 35205 of 2003(N)

PETITIONER:

A.D.JAMES, AGED 51 YEARS,
S/O.DEVASSIA, DRAWING TEACHER, GOVERNMENT
VOCATIONAL HIGHER SECONDARY SCHOOL,
P.O.ALANELLUR- 678 601, PALAKKAD DISTRICT.

BY ADV. SRI.V.A.MUHAMMED,
SRI.K.E.HAMZA.

RESPONDENTS:
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1. **THE STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR OF PUBLIC INSTRUCTION, JAGATHY, THIRUVANANTHAPURAM - 14.**
3. **THE DEPUTY DIRECTOR OF EDUCATION, PALAKAD.**
4. **THE DISTRICT EDUCATIONAL OFFICER, PALAKKAD.**
5. **THE PRINCIPAL/HEADMASTER, GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL, PO.ALANELLUR, PALAKKAD DISTRICT - 678 601.**

BY GOVT. PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.35205/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE G.O. (P). NO. 403/2002/G. EDN. OF THE GOVERNMENT DTD. 04/12/2002.

EXT.P.2: COPY OF THE G.O. (P). NO. 226/2003/G. EDN. OF THE GOVERNMENT DTD. 14/08/2003.

EXT.P.3: COPY OF THE G.O. (P). NO. 328/2003/FIN. OF THE GOVERNMENT DTD. 19/06/2003.

EXT.P.4: COPY OF THE ORDER OF THE R.5. DTD. 27/10/2003.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.35205 of 2003

Dated 16th March, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P4 notice issued by the Headmaster of the Government Vocational Higher Secondary School informing the petitioner that salary could not be paid since the post has been abolished and that he would have to refund the salary already paid. There is already an interim order dated 10.11.2003 to pay salary to the petitioner continuously from 1.10.2003. There is no counter affidavit. According to the petitioner, since he has more than 23 years of service, he is protected by Exts.P1 to P3 orders. Hence the writ petition is disposed of quashing Ext.P4 and making it clear that the judgment will not stand in the way of the respondents taking appropriate action, in case the petitioner is not eligible to have the salary, with notice to him.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 16th March, 2007.